

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MARCH 30TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 22, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 4007 Tyler Avenue (Rep. District #2)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated December, 2003. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Carmen Mendoza, C/O I. H. S. of El Paso, 2301 N. Oregon Street, El Paso, Texas 79902.
- 3) Certified notices of the public hearing scheduled March 30th, 2004 were mailed to the owners and all interested parties on March 11th, 2004.
- 4) As of March 22nd, 2004, \$5,743.89 are owed in taxes.
- 5) Since no plans or documents addressing the rehabilitation of this structure

The Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can not be repaired; and
- 5) That the structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 9th, 2004

REP. DISTRICT: 2

ADDRESS: 4007 Tyler Avenue

ZONED: C-4

LEGAL DESCRIPTION: Lots 11 & 12, Block 57, Morningside Heights

OWNER: Carmen Mendoza

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V wood framed

FOOTINGS: Concrete

CONDITION: Unable to determine.

FOUNDATION WALL: N/A

CONDITION:

FLOOR STRUCTURE: Wood 2 x 6 covered with 1 x 6 planks

CONDITION: Poor – entire floor system is deteriorated.

EXTERIOR WALLS: 2 x 4 wood frame with stucco

HEIGHT: 8'

THICKNESS: 9"

CONDITION: Poor – walls are deteriorating because of roof leak.

INTERIOR WALLS & CEILINGS: 2 x 4 with plaster

CONDITION: Poor – walls are deteriorating because of roof leak.

ROOF STRUCTURE: 2 x 4 rafters with 1 x 6 sheathing cover with asphalt roll roofing

CONDITION: Poor – entire roof structure and roofing must be replaced.

DOORS, WINDOWS, ETC.: Wood Windows and door

CONDITION: Poor – all doors and windows must be replaced.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Entire plumbing system must be replaced by a licensed plumber.

ELECTRICAL: Entire electrical system must be replaced by a licensed electrician.

MECHANICAL: Entire mechanical system must be replaced by a licensed mechanical contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This dilapidated building cannot be feasibly rehabilitated. I recommend that it be demolished and the premises cleaned of all weeds, trash and debris.

Bill Stern
Building Inspector

20040322 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 102213

AMT DUE AS OF: 20040322 ROLL R ALT OWN
- OMIT(-)/SEL(+) 61
UNITS:01 03 06 07 08
MENDOZA, CARMEN \$\$ 57 MORNINGSIDE HEIGHTS
4007 TYLER AVE 11 & 12 (6000 SQ FT)

EL PASO		TX 79930-6721		LAWSUIT 2004TX114			
ACRES .1377		PARCEL ADDRESS		4007 TYLER AVE			
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL DUE
2003	26046	XX	154.43	154.43	39.16	.00	193.59
2002	26046	YY	153.05	153.05	68.71	.00	221.76
2001	26046	YY	152.06	152.06	89.25	.00	241.31
2000	32822	YY	235.90	235.90	171.04	.00	406.94
1999	32822	YY	231.96	231.96	200.18	.00	432.14
1998	32822	YY	231.96	231.96	232.20	.00	464.16
1997	32550		221.03	221.03	251.74	.00	472.77
1996	32550		330.20	330.20	421.68	.00	751.88
1995	32551		330.28	330.28	467.37	.00	797.65
TOTAL			2040.87	2040.87	1941.33		
LAST PAYOR NONE				PAGE TOTAL		3982.20	
NOTE EXISTS SUIT PENDING				CUMULATIVE TOTAL		5743.89	
MORE YEARS ON NEXT PAGE							

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS

Carmen Mendoza
C/O I. H. S. of El Paso
2301 N. Oregon St.
El Paso, Texas 79902
Re: 4007 Tyler Ave.

1st Zip

2. Article Number
(Transfer from service label)

7003

PS Form 3811, August 2001

Domestic Return Receipt

1680 0000 1712 1562

102595-02-M-154

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS

Carmen Mendoza
I. H. S. of El Paso
2301 N. Oregon St.
Re: 4007 Tyler Avenue

1st #3

2. Article Number
(Transfer from service label)

7003 1680 0000 1712 0480

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

JES SZELEDE

C. Date of Delivery

3-20-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
X [Signature] ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
MONICA DAVIS 3-12-04
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
X [Signature] ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
[Signature] 3-13-04
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7003

PS Form 3811, August 2001

Domestic Return Receipt

1680 0000 1712 1241

95-02-M-154

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 30th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4007 Tyler Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 11 and 12, Block 57, Amended Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carmen Mendoza, C/O I. H. S. of El Paso, 2301 N. Oregon Street, El Paso, Texas 79902, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 9th day of March, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Teresa Garcia
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

JOE WARDY
MAYOR



**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
March 4, 2004**

Carmen Mendoza
I. H. S. of El Paso
2301 N. Oregon St.
El Paso, Texas 79902

Re: 4007 Tyler Avenue
Lots: 11 & 12
Blk: 57, Morningside Heights
Zoned: C-4
COD04-00365
Certified Mail Receipt #
7003 1680 0000 1712 0480

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

4007 Tyler Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 4007 Tyler Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The plumbing system is inadequate and does not meet minimum code requirements.
- f. The electrical system is inadequate and does not meet minimum code requirements.
- g. The HVAC system is inadequate and does not meet minimum code requirements.
- h. The structure is open and accessible to unauthorized entry.
- i. The premises are full of weeds, trash, and debris.
- j. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

4007 Tyler Avenue

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Bill Stern
Building Inspector

BS/rl